

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E-HYUN CORP.,

Plaintiff,

-VS-

LANY GROUP, LLC,

Defendants.

Case No.: 16 Civ. 2297

COMPLAINT

Plaintiff **E-HYUN CORP.**, by its attorneys, the LAW OFFICES OF JONATHAN Y. SUE, PLLC, for its Complaint against defendant, allege as follows:

The Parties

1. E-Hyun Corp. (hereafter “E-Hyun”), is and at all relevant times, a corporation formed and existing under the laws of South Korea, having its principal place of business at Shinhwa B/D 6TH, 589-1 Cheonho-Daero, Gwangjin-Gu, Seoul, Korea.

2. Upon information and belief, defendant Lany Group LLC, (hereafter “Lany Group”) is a limited liability company formed and existing under the laws of the State of New York, having its principal place of business at 1385 Broadway, Room, 601, New York, New York 10018.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction based on diversity of the citizenship of the parties, pursuant to 28 U.S.C. § 1332(a)(1). Venue is proper in this district pursuant to 28 U.S.C. § 1391(a) and (c).

Background

4. E-Hyun, a clothing manufacturer, has been doing business in the United States for the past 20 years.

5. Upon information and belief Lany Group is a wholesale clothing distributor of women's, children's and infant's clothing.

6. Since on or about 2002, E-Hyun and Lany Group commenced a business relationship, whereby Lany Group requested and purchased merchandise from E-Hyun. E-Hyun sold and delivered merchandise to Lany Group but has not received the balance of payment for same.

7. To date, Lany Group has failed to make payments on the balance.

AS AND FOR A FIRST CLAIM FOR RELIEF

8. Plaintiff repeats and realleges the allegations contained herein.

9. Defendant has breached its agreement with Plaintiff by not paying for goods sold and delivered at defendant's request.

10. The defendant took delivery of same, with no objection to the quantity and quality of delivered goods.

11. Notwithstanding taking delivery of the goods, defendant failed to make payments.

12. Thereafter, Plaintiff made repeated demands for full payment.

13. Defendant, however, has failed to make full payment to date.

14. As of this date, there remains due and owing to Plaintiff from defendant, with respect to invoices, the sum of \$92,095.06, together with accrued interest, costs and other statutory additions.

AS AND FOR A SECOND CLAIM FOR RELIEF

15. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

16. Plaintiff provided goods to defendant pursuant to the purchase orders submitted to defendant.

17. Plaintiff regularly provided defendant with invoices that described the items that had been provided and set forth the amount due for these products.

18. Defendant received and retained these invoices without objection as to the amount thereof or otherwise.

19. As a result of defendant's receipt and retention of Plaintiff's invoices without objection, there exists an account stated between Plaintiff and defendant, in the amount of \$92,095.06, plus statutory interest.

AS AND FOR A THIRD CLAIM FOR RELIEF

20. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

21. Defendant received the benefits of Plaintiff's products without paying Plaintiff the fair and reasonable value for those products and as such, defendant has been unjustly enriched at the expense and to the detriment of Plaintiff.

WHEREFORE, Plaintiff **E-HYUN CORP.**, respectfully requests that a judgment be made and entered against defendant Lany Group LLC:

- a) Granting a monetary judgment in the amount of \$92,095.06, together with costs and interest from the date each outstanding invoice became due.
- b) Ordering any such other and further relief in favor of Plaintiff as this Court may deem to be just and proper.

Dated: New York, New York
March 29, 2016

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